

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C.No. 3601 OF 2015**

Veer Singh S/o Shyam Singh, aged about 20 years, R/o Imliduggu, Korba,
P.S. Kotwali, Tahsil & Civil & Revenue Distt. Korba (C.G.)

---Applicant**Versus**

State of Chhattisgarh, through, Station House Officer, Police Station Kotwali,
Distt. Korba (C.G.)

---Non-applicant

For Applicant	:	Mr. Awadh Tripathi, Advocate
For Non-applicant	:	Mr. Lav Sharma, P.L.

Hon'ble Shri Justice Sanjay K. Agrawal**Order on Board****04/08/2015**

1. This is the first bail application filed under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail to the applicant who has been arrested in connection with Crime No. 252/2015, registered at Police Station Kotwali, Distt. Korba (C.G.), for the offence punishable under Sections 376, 506 of I.P.C. and Section 4 of the POCSO Act.

2. Case of the prosecution, in brief, is that, in the month of October-November, 2014, the present applicant is said to have committed sexual intercourse with the minor victim and also threatened her and thereby committed offence.

3. Learned counsel for the applicant would submit that applicant has not committed any offence and has been falsely implicated in offence in question as date of FIR 16/06/2014, in which, she was first time disclosed about the rape and threatening by the present applicant. He would further

submit that age of the victim is 16 years and 6 months, as such, it cannot be said that she was minor on the date of offence. He would lastly submit that applicant is in jail since 17/06/2015 therefore, he may be released on bail.

4. On the other hand, learned counsel for the State would oppose the bail application and submit that on account of threatening given by the applicant, FIR could not be lodged by the victim.

5. I have heard learned counsel appearing for the parties and perused the case diary.

6. Taking into consideration the facts and circumstances of the case; further taking into consideration the nature and gravity of offence; extent of delay in lodging FIR; threatening made in the month of October-November, 2014 and also considering medical report available on record; pretrial detention of the applicant and substantive investigation has already been completed, this Court is of the opinion that present is the fit case, in which, the applicant should be enlarged on regular bail.

7. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is allowed.

8. It is directed that applicant shall be released on bail on furnishing a personal bond in the sum of **Rs.25,000/-** with one surety in the like sum to the satisfaction of the concerned trial Court, for his appearance as and when directed.

9. Certified copy as per rules.

Sd/-
(Sanjay K. Agrawal)
JUDGE